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A Municipal Program. Report of a Committee of the National Municipal League, November 17, 1899, together with explanatory and other papers. New York, published for the National Municipal League, by The Macmillan Company, 1900. — xiii, 246 pp.

This municipal program represents the ripe result of the work of a committee of the National Municipal League, appointed at its Louisville conference in 1897, and consisting of Mr. Horace E. Deming (chairman), Mr. George W. Guthrie, Mr. Charles Richardson, Professor Frank J. Goodnow, Professor Leo S. Rowe, Dr. Albert Shaw and Mr. Clinton Rogers Woodruff, secretary of the League. After very thorough study and conference, and after the discussion of its proposals at two meetings of the League, the committee presents this program with a practically unanimous recommendation as to all its provisions.

The program consists of a series of constitutional amendments and a general municipal corporations act, suitable for adoption in any state. These cover all really fundamental matters relating to the government of cities; and yet so carefully have they been framed and so broad are the provisions that the entire space occupied is only forty-eight pages. In connection with the program itself are printed a number of papers by Messrs. Deming, Shaw, Goodnow, Rowe and Richardson of the committee and by Dr. John A. Fairlie, Dr. Delos F. Wilcox and Hon. Bird S. Coler. These papers, which are all essentially representative of the opinions of the committee, constitute not only a thorough explanation but also a very effective defense of the proposed legislation. Taken altogether, the volume is the most clear and authoritative presentation yet made of the general character and working of American municipal organization and methods and of the changes that are desirable in them. While opinions may differ as to certain features of the program, no one can doubt that, if enacted, it would prove vastly superior to any municipal system now existing in the United States.

The committee has taken special pains to define the relation of the city to the state. It believes that one of the chief sources of municipal evils has been the failure to give the city a sphere of activity of its own, and at the same time to provide for proper supervision by state administrative, not legislative, authorities over the execution of state functions by city officers. Accordingly, the committee has recommended a large number of constitutional pro-

visions, making the city a distinctly recognized part of the scheme of government and putting many features of its organization outside the control of the legislature. As the thing most essential to make the city independent as to properly local activities, broad general powers are conferred upon it, in place of the minutely enumerated powers hitherto usually granted. The constitutional amendments further declare that the city government shall be the sole authority for executing state laws within its borders, except so far as special state offices are established by laws applying equally to all cities. Special legislation regarding cities is not absolutely prohibited, but a bill relating to cities which does not apply to all the cities of the state must be passed by a two-thirds majority of the state legislature and must be submitted to the council of each city affected. If any council disapproves the measure, it must be re-passed by a two-thirds vote, including three-fourths of the members of the legislature from districts outside of the cities affected. As a still further concession to the principle of municipal home rule, the committee recommends that any city of over 25,000 inhabitants may establish a board to frame a special charter for the city. Such a charter becomes law on being ratified by popular vote. The provision that it shall be subordinate to the general laws and constitutional provisions prevents danger of excessive diversity.

As an illustration of the wide conception of municipal functions entertained by the committee may be mentioned the provision that cities may construct or buy and operate street railways, or other means of transit, and lighting, heating and power systems of all kinds. In fact, the committee appears, in some of the papers submitted, to favor public ownership, in preference to regulation of private ownership. It recommends that franchises be limited in duration to twenty-one years. One may doubt whether this limit is "amply sufficient to offer all necessary inducements to private corporations."

The committee has seen fit to provide that city debts shall not exceed a certain percentage of the assessed valuation of real and personal property in the city, although money borrowed for revenue-earning enterprises is not reckoned in fixing the limit, so long as these continue actually to meet the debt charges. The committee also suggests a limitation on the tax rate. It may, perhaps, be doubted whether true economy can be materially furthered by such restrictions. Moreover, a limitation based upon the valuation of real and personal property implies the continuance of the almost exclusive use of the general property tax, which has proved so pecul-

iarly unsuccessful in cities. It might have been proper to permit the state legislature or the local authorities to establish new forms of taxation more adapted to modern municipal conditions.

In regard to the organization of the city government, the most fundamental aim of the committee is the separation of executive from legislative powers. Although this involves, in its opinion, great authority in the hands of the mayor, it is thought that the city council also can become a powerful body, especially on account of the transfer to it of powers hitherto exercised by the state legislature. The council, too, is given the final power over the city budget; although it may not increase the total or any item, as proposed by the mayor. The committee has been wise in omitting the provision found in many recent charters for a board of estimate and apportionment composed primarily of executive officers. Even where such a board is not given final power in the budget, it is bound to have a moral influence so strong as practically to restrict the financial authority of the city council very greatly.

The city council, according to the program, is to be composed of a single chamber. The members are to be elected for six years, one-third retiring biennially, according to the well-approved lines of the English and German practice. A city may also by popular vote adopt a system of proportional representation in its council or a system of direct legislation by the people.

The mayor is to be the only administrative officer elected by the people, and his term is fixed at two years. The city comptroller is to be elected and may be removed by the council. No other executive officers are specifically provided for, but the council is permitted to establish such as it deems necessary. The chief officer of each department is to be appointed by the mayor, subject to no limitations. All subordinate officers are to be appointed on the basis of civil-service examinations. A most interesting proposal is that all executive officers, except the mayor, shall have indefinite terms of office. It is believed by the committee that the true conception of municipal service should be that it is a trained profession. Yet, for the sake of discipline and efficiency, the mayor is permitted to remove any officer summarily, on the sole condition that a written statement of the reasons for removal shall be made public.

It is impossible in brief space to discuss the practicability or the desirability of such thorough separation between the executive and the legislative departments as is undertaken by this program. It is greatly to be hoped that, were it adopted, the council with the added

powers conferred upon it might become a sufficiently influential body to attract able and worthy members ; but if, as is implied in some of the papers, city government is primarily administrative, there is certainly danger that the attempt to confine the council to so-called purely legislative functions may in practice mean the concentration of almost all powers in the hands of the mayor and continued degeneration of the council. It is doubtful whether a very sharp line can be drawn between administration and legislation, especially as regards city affairs. Moreover, there is at least a fair chance that more effective control over the administration could be secured by making executive officers continuously responsible, within certain limits, to the city council, than by trusting solely to the responsibility of the mayor to the people, enforceable only at intervals of two years. So long as there is no direct method by which the mayor can guide the actions of the council or the council control the actions of the mayor and his subordinates, one may doubt the practical efficiency of the provision suggested by the committee, permitting executive officers to attend council meetings and requiring them, when requested, to attend and answer questions. Would it not perhaps be feasible, at least by gradual evolution, to establish in city government something akin to the cabinet system, in which close harmony, rather than separation, of executive and legislature should be sought?

E. DANA DURAND.

WASHINGTON, D. C.

The Government of Municipalities. By DORMAN B. EATON. New York and London, The Macmillan Company, 1898. — 526 pp.

Among the innumerable books upon municipal government published during the past decade, none has appeared that will prove more suggestive to the student or to the man of affairs than this last work from the hand of the late Dorman B. Eaton. As the fruit of a long life, devoted, on the one hand, to the practical matters of a lawyer's career and, on the other, to an earnest study of contemporary political movements, the work is to be commended for being so comprehensive in its scope and so judicious in its treatment of the controverted problems which concern the organization and administration of our cities. While our ideas may differ from those of the author, both on the analytical and on the constructive sides of his work, we must grant that in the array of historical mate-